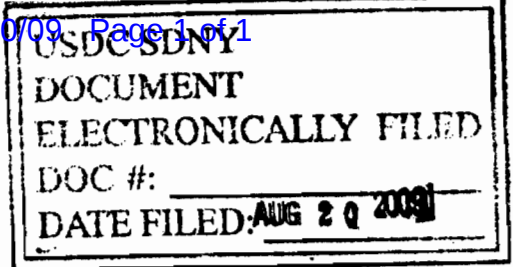


**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**



-----X
DENNIS BUENO,

Petitioner,

-against-

NEW YORK STATE DEPARTMENT OF
CORRECTIONAL SERVICES,

Respondent.
-----X

ORDER

08 Civ. 03275 (GBD)

GEORGE B. DANIELS, District Judge:

Petitioner Dennis Bueno brought this federal habeas petition, challenging the calculation of the terms of his imprisonment for his Bronx and New York County sentences.

Petitioner argued that Respondent New York State Department of Correctional Services (“DOCS”) did not properly calculate the release dates for his Bronx and New York County sentences, and failed to give the petitioner jail time credit for the period of time between October 27, 2003 and November 18, 2003.

Subsequently, on September 9, 2008 the petitioner was resentenced in Supreme Court, New York County. The Supreme Court, New York County determined that the petitioner’s Bronx and New York County sentences would run concurrently. Subsequently, DOCS recalculated the petitioner’s release dates, and gave the petitioner credit for each day he served in DOCS custody.

DOCS’s unopposed motion to dismiss the petitioner’s habeas petition, on the ground that the petition is moot, is granted.

Dated: New York, New York
August 19, 2009

SO ORDERED:

GEORGE B. DANIELS
United States District Judge